



Te Pūkenga

Te Pūkenga Council Meeting

Date	Tuesday 1 June 2021
Time	9.00am – 1.30pm
Venue	UCOL, Palmerston North
Council Members	Murray Strong (Chairperson), Kim Ngārimu (Deputy Chairperson), Maryann Geddes, Kathy Grant, Tania Hodges, Sam Huggard, Peter Winder, John Brockies, Tagaloatele Peggy Fairbairn-Dunlop

OPEN AGENDA

Item	Subject
1.	Karakia
2.	Welcome/Apologies/Notices
3.	Register of Interests
4.	Minutes from 4 May 2021 (open part of meeting)
5.	CE Verbal Update
6.	Learner Wellbeing & Safety Code
7.	Te Poari Akoranga Report
8.	Resolution to Exclude Public in accordance with the Public Excluded agenda
9.	Close of open part of meeting

PUBLIC EXCLUDED AGENDA

It will be moved by the Chair that the public be excluded from the remainder of the meeting. This resolution will be made in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) and the particular interests protected by section 9 of the Official Information Act 1982 which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public. The general subject of each matter to be considered while the public is excluded, the reason for passing the resolution in relation to each matter and the specific grounds under section 48(1) of LGOIMA for the passing of the resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
10.	Minutes from public excluded meeting from 4 May 2021	<p>Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty</p> <p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
11.	Minutes from public excluded Poari Akoranga meeting from 12 May 2021	<p>Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty</p> <p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
12.	Appointment of interim Co-Chair, Te Poari Akoranga	Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
13.	Subsidiary Letter of Expectations	Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
14.	Subsidiary Board Appointments	Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
		any organisation or employees of any organisation in the course of their duty	section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
15.	Te Pūkenga Parent & Group Financial Results 30 April 2021	<p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
16.	Draft Academic Regulations	Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
17.	Transitional ITOs In depth discussion	<p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
		of opinion by or between members of any organisation or employees of any organisation in the course of their duty	
18.	Transitional ITO Transfer Agreements	<p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
19.	Operating model	<p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>Section 9(2)(g)(i) of the Official Information Act – maintain the effective conduct of public affairs through the free and frank expression of opinion by or between members of any organisation or employees of any organisation in the course of their duty</p>	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

The Chair will also move that certain employees from Te Pūkenga be permitted to remain at the meeting, after the public has been excluded, because of their specific knowledge in relation to the above items. This knowledge, which will be of assistance in relation to the matters above to be discussed, is relevant to those matters because they have assisted in the progression of such matters.



Te Pūkenga

Register of Interests

	Member	Chairperson/ Deputy Chairperson / Member
1.	Murray Warren Strong	Chairperson
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Chairperson Centre of Digital Excellence Trustee GRŌW Ō Tautahi, Christchurch Director National Infrastructure Service, Wellington Chairman Christchurch Multi Use Arena Director Tai Poutini Polytechnic Limited (TPP) Director The Open Polytechnic of New Zealand Limited Independent Chairman - Southern Lakes Events Investment Panel - effective 1 November Director Work Based Learning Limited</p>	
2.	Mereana Kim Ngārimu	Deputy Chairperson
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Council member Medical Council of New Zealand Member Waitangi Tribunal Board member Heritage NZ Council member Māori Heritage Council Board member Te Māngai Pāhō Māori Broadcasting Funding Agency Director and shareholder NTK Limited and Tāua Ltd Husband Herewini Te Koha, CE of Te Rūnanganui o Ngāti Porou, signatory to regional submissions on RoVE. Chair Tairāwhiti DHB Director Northland Polytechnic Limited (NorthTec) Director Eastern Institute of Technology Limited (EIT) Chair Gisborne DHB Laundry Services – effective December 2020</p>	
3.	Maryann Lillian Geddes	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Director ServicelQ Director Ara Institute of Canterbury Limited (Ara) Director Otago Polytechnic Limited</p>	

	Member	Chairperson/ Deputy Chairperson / Member
	Director Southern Institute of Technology Limited (SIT)	
4.	Kathleen (Kathy) Grant	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Deputy Chair and member Dunedin City Holdings Limited</p> <p>Deputy Chair and member Dunedin City Treasury Limited</p> <p>Deputy Chair and member Dunedin Stadium Property Limited</p> <p>Person closely related Board member Leslie Groves Home & Hospital</p> <p>Person closely related Chair Dunedin Diocesan Trust Board</p> <p>Director Nelson Marlborough Institute of Technology Limited (NMIT)</p> <p>Director Wellington Institute of Technology Limited and Whitireia Community Polytechnic Limited</p> <p>Director Dunedin Railways Limited</p> <p>Trustee Central Lakes Trust (as from 1 December)</p>	
5.	Tania Lee Hodges	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Managing Director and Shareholder Digital Indigenous Ltd</p> <p>Trustee Whanau.com Trust</p> <p>Director Waikato Institute of Technology Limited (Wintec)</p> <p>Director Toi Ohomai Institute of Technology Limited</p> <p>Independent Member Waikato Tainui Koiora Strategy Panel</p>	
6.	Peter David McGredy Winder	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Director McGredy Winder & Co</p> <p>Committee member Member, State Services Commission Risk and Audit Committee</p> <p>Trustee McGredy Winder Family Trust</p> <p>Director Sound of Music Education Ltd</p> <p>Director Unitec New Zealand Limited (Unitec)</p> <p>Director Manukau Institute of Technology Limited (MIT)</p>	
7.	Sam Huggard	Member
	<p><u>Disclosure of Member's Interests (if any) in relation to matters being considered by the Council under these resolutions</u></p> <p>Trustee 350 Aotearoa Charitable Trust</p>	

	Member	Chairperson/ Deputy Chairperson / Member
	<p>Consumer Representative Utilities Disputes Ltd Energy Complaints Scheme Advisory Committee</p> <p>Advisory Board Member Centre for Labour, Employment and Work, School of Management, Victoria University of Wellington</p> <p>Director Tai Poutini Polytechnic Limited (TPP)</p> <p>Director Western Institute of Technology at Taranaki Limited (WITT)</p> <p>Employee E tū union</p> <p>Member Lottery Grants Board Community and Outdoor Safety Committees</p> <p>Member Nominations Committee for the Primary Industries WDC (effective 12 April 2021)</p>	
8.	John Charles Brockies	Member
	<p>Director Branz Inc, Branz Ltd, Branz Pty Ltd</p> <p>Director Resolve Group Ltd</p> <p>Director Walworth Ltd</p> <p>Chair Waiari Project Advisory Board (Tauranga City Council)</p> <p>Chair Te Maunga Project Advisory Board (Tauranga City Council)</p> <p>Trustee Natomi Family Trust</p> <p>Director Northland Polytechnic Limited (NorthTec)</p> <p>Director Work Based Learning Limited</p>	
9.	Tagaloatele Dr Peggy Fairbairn-Dunlop	Member
	<p>Commissioner UNESCO National Commission</p> <p>Director Vinepa Trust</p>	

Te Pūkenga - New Zealand Institute of Skills and Technology (Te Pūkenga)

Minutes of a meeting of the Council of Te Pūkenga (the Council)

Tuesday 4 May 2021 at 9.00am

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Minutes

These are the minutes of a meeting of Te Pūkenga Council held on Tuesday 4 May 2021 at the Waikato Institute of Technology office in Hamilton.

Present

Members present: Murray Strong (Chair), Kim Ngārimu (Deputy Chair), Kathy Grant, Maryann Geddes, Sam Huggard, Tania Hodges, Peter Winder, John Brockies and Tagaloatele Peggy Fairbairn-Dunlop.

Murray Strong Chaired the meeting.

In attendance: Stephen Town (Chief Executive), Angela Beaton (DCE Delivery and Academic), Warwick Quinn (DCE Employer Journey and Experience), Tania Winslade (DCE Learner Journey and Experience), Ana Morrison (DCE Partnerships and Equity), Vaughan Payne (DCE Operations), Heather Geddes (Director Transformation and Transition) Gillian Hamilton (Executive Assistant/Council Secretariat), Phillip Jacques (Interim Director Finance), Graham Bethune (Director, Communications and Marketing), Paki Rawiri (Transformation Leader, Māori), Sinead Hart (Senior Legal Counsel), Lynnette Brown (Incoming Council Secretariat), Rachel Clarke (Project Manager, Capital Asset Management 11am – 11.40am), Mair Brooks (KPMG 11am – 11.40am), Harriet Dempsey (KPMG 11am – 11.40am), Deidre Hemera (Operations Risk Advisor 11.50am – 12pm), Bridget Jolly (EY 12.30pm – 2pm), Max Adler (EY 12.30pm – 2pm), Susie Roulston (EY 12.30pm – 2pm), Nichola Bennett (EY (online) 12.30pm – 2pm), Selwyn Hayes (EY (online) 12.30pm – 2pm)

Quorum

The Chair noted that a quorum of members was present at the meeting and declared the meeting open.

Karakia (Agenda Item 1)

Member Peter Winder opened the meeting with Te Pūkenga karakia.

Welcome/Apologies/Notices (Agenda Item 2)

The Chair welcomed Lynnette Brown, incoming Council Secretariat to her first meeting.

The Chair welcomed other attendees of the meeting, including the members of the public in attendance.

Minutes of the meeting held on 6 April 2021 (Agenda item 3)

The Members noted the minutes from the open section of the 6 April 2021 Council meeting.

Resolution

Moved by Murray Strong, seconded by Kathy Grant

The Council resolved that the minutes from the open section of the 6 April 2021 Council meeting are approved as a true and accurate record.

Register of Interests (Agenda Item 4)

Members confirmed that all interests were recorded in the Council interests register in the Council meeting papers.

Te Poari Akoranga Report (Agenda Item 5)

The Members discussed the Poari Akoranga report and minutes from the meeting held on Wednesday 14 April 2021.

In particular, Members:

- Noted the update from the meeting held via zoom on Wednesday 14 April 2021;
- Noted the Terms of Reference were tabled and noted at Te Poari Akoranga and the next steps are to confirm terms of reference for the sub-committees;
- Noted one-year membership terms are due for renewal, noting the need for additional expertise from ITOs. There is also a skills-based approach underway to assist with looking at membership; and
- Noted a review of the roles of subsidiary academic committees is currently underway.

Policy Amendments – Delegations and Procurement (Agenda Item 6)

The Members discussed amendments to the Delegations and Procurement policies.

In particular, Members:

- Received the report, Policy Amendments – Delegations and Procurement;
- Requested when the procurement policy is next reviewed to add in a comment regarding the government Māori business requirements; and
- Discussed carbon neutrality and noted a sustainability stocktake is currently underway throughout Te Pūkenga network.

Resolution

Moved by Kim Ngārimu, seconded by Tania Hodges

The Council resolved to approve the proposed amendments to the Procurement and Delegations policies.

CE Verbal Update (Agenda Item 7)

The Members received a verbal update from the Chief Executive.

In particular, the Chief Executive:

- Noted the subsidiary Chairs and CEs will meet in Wellington on Friday 14 May 2021; and
- Noted an in-depth discussion would take place on Transitional ITOs at the 1 June 2021 Council meeting.

Resolution to Exclude Public in accordance with the Public Excluded Agenda (Agenda Item 8)

Resolution

Moved by Murray Strong, seconded by Kim Ngārimu

The Council resolved that the public be excluded from the remainder of the meeting in reliance on section 48(1) of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and the particular interests protected by section 9 of the Official Information Act 1982 which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public.

The general subject of each matter to be considered while the public is excluded, the reason for passing the resolution in relation to each matter and the specific grounds under section 48(1) of LGOIMA for the passing of the resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing resolution in relation to each matter	Grounds under section 48(1) for the passing of the resolution
11.	Minutes from public excluded meeting from 6 April 2021	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
12.	Council Committee verbal updates	Section 9(2)(a) of the Official Information Act – To protect the privacy of natural persons Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).

		who supplied or who is the subject of the information	
13.	Quarterly 1 Report to March 2021	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
14.	Critical Roadmap	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
15.	CEs/Council only verbal update	Section 9(2)(a) of the Official Information Act – To protect the privacy of natural persons	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
16.	Programme Transition Planning (May 2021)	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).
17.	Capital Asset Management Strategy (CAMS)	Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person	That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of

		<p>who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	<p>LGOIMA, as a body to which LGOIMA applies).</p>
18.	Te Pūkenga Risk Management Framework	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	<p>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).</p>
19.	Operating Model project update	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	<p>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).</p>
20.	Subsidiary Reserved Matters	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>Section 9(2)(i) of the Official Information Act – enable the organisation holding the information to carry out, without prejudice or disadvantage, commercial activities</p>	<p>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of LGOIMA, as a body to which LGOIMA applies).</p>
21.	Items to be moved to Open Agenda for next Council meeting	<p>Section 9(2)(b)(ii) of the Official Information Act - protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>	<p>That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under section 9 (noting the Council is specified, in Schedule 2 of</p>

			LGOIMA, as a body to which LGOIMA applies).
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The Council resolved that Te Pūkenga employees Stephen Town, Vaughan Payne, Tania Winslade, Heather Geddes, Ana Morrison, Paki Rawiri, Warwick Quinn, Angela Beaton, Phillip Jacques, Graham Bethune, Lynnette Brown, Sinead Hart and Gillian Hamilton be permitted to remain at the meeting, after the public has been excluded, because of their specific knowledge in relation to the above items. This knowledge, which will be of assistance in relation to the matters above to be discussed, is relevant to those matters because they have assisted in the progression of such matters. Te Pūkenga Council also resolved that Rachel Clarke, Mair Brooks and Harriet Dempsey join for item 16, Deidre Hemera to join for item 17 and Bridget Jolly, Max Adler, Susie Roulston, Nichola Bennett, Selwyn Hayes to join for item 18. Their knowledge will be of assistance in relation to the matters above because they have assisted in the progression of such matters.

DRAFT

Close of open part of meeting (Agenda Item 9)

The open part of Te Pūkenga Council meeting was closed at 9.25am.

The public excluded session commenced at 9.25am with a short break between 12.10pm and 12.30pm.

Public Excluded Agenda

The minutes relating to the Public Excluded Agenda are set out in Schedule 1 to these minutes.

Whakatuwhera

There being no further business the Chair declared the Council meeting closed at 2.00pm.

Dated: June 2021

Signed as a correct record

Murray W. Strong
Chairman

Pūrongo Kaunihera a Te Pūkenga

Council Report

1 June 2021

Agenda item number	6
Provided by	Tania Winslade, Deputy Chief Executive – Learner Journey and Experience
Author	Sinead Hart, Senior Legal Counsel
Title	Te Pūkenga Submission on the Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021 (New Code);
For	Approval

Te Taunaki | Recommendation(s)

It is recommended that Council:

a.	receive the report;
b.	review the proposed submission by Te Pūkenga to NZQA on the New Code (Submission); and
c.	approve the Submission.

Te Tāhuhu Kōrero | Background

Recap on current pastoral care requirements

1. As a starting point, Council is asked to note that Te Pūkenga agrees wholeheartedly with the stated purpose of the New Code, which aligns with the vision, purpose and values of Te Pūkenga.
2. Council is asked to read the below summary of legislation, which sets out the duty of pastoral care tertiary education providers currently have for learners, together with the summary of the New Code. Following this, Council is invited to read the Submission.
 - 2.1. **Education (Pastoral Care of International Students) Code of Practice 2016 (International Code)** sets out the detailed pastoral care requirements for international. As Council is aware, to enrol international students, an organisation must be a signatory to the International Code and compliance with that code forms part of the organisation's self-assessment for NZQA purposes. The Discussion Document¹ prepared by Education New Zealand confirms that the International Code has been largely working well with "... many providers doing a good job meeting the core needs of their international learners".

¹ <https://conversation.education.govt.nz/assets/pastoral-care-code/Learner-wellbeing-and-safety-discussion-document.pdf>

2.2. Education (Pastoral Care of Domestic Tertiary Students) Interim Code of Practice 2019

(Interim Domestic Code): Following the tragic death of a learner in a hall of residence in Christchurch in 2019, the Interim Domestic Code was introduced with effect from 1 January 2020. This sets out the requirements for all tertiary education organisations in relation to a general duty of pastoral care for all domestic tertiary learners. It also sets out specific additional requirements for organisations that offer student accommodation. The Interim Domestic Code is due to expire at the end of 2021.

What does the New Code propose?

3. The New Code is designed to combine the expectations of both the International Code and the Interim Domestic Code and “... provide clarity for providers on their roles and responsibilities”². The proposed implementation date for the New Code is 1 January 2022.
4. As stated in the Submission, the New Code aligns with Te Pūkenga purpose and values. In summary, it:
 - a) requires providers to take all reasonable steps to protect and to maintain the wellbeing of domestic and international learners and to ensure, in so far as possible, that those learners have a positive experience that supports their educational achievement;
 - b) prescribes 31 outcomes, 21 of which are applicable to tertiary providers. Each outcome includes the outline of a process providers must follow to ensure compliance (the detail is to be fleshed out in guidelines to be prepared later in 2021);
 - c) from a tertiary education provider perspective, the key parts are Part 3, 4, 5 and 6.
 - Part 3 contains the material amendments and focusses on the need to consult with all learners (and other stakeholders) on learning support structures and proposes a new dispute resolution scheme for domestic students;
 - Part 4 and Part 5 largely replicate the Domestic Interim Code, but extend the requirements to international learners;
 - Part 6 largely replicates the International Code;
 - d) Part 3 includes the material amendments and seeks to include the importance of learners receiving treatment and support when they need it. Overall, the proposed changes aim to raise the prominence of wellbeing and safety as a precondition to learner success in education and ensure the support for learner wellbeing and safety honour the principles of Te Tiriti o Waitangi.
5. The Education New Zealand Discussion Document acknowledges that creating an environment that supports learning and wellbeing is a shared responsibility between government, providers, learners, whānau, and the wider community. It is also stated that:

“...the Government is committed to making a learner-centred education system that delivers more equitable outcomes and provides excellent education and learner experience for all learners, including domestic and international learners. A key part of this is ensuring that processes and practices support the wellbeing and safety of diverse learners, in particular Māori, in line with the principles of Te Tiriti o Waitangi, but also Pacific, disabled,

² Discussion Document on New Code, page 4: <https://conversation.education.govt.nz/assets/pastoral-care-code/Learner-wellbeing-and-safety-discussion-document.pdf>

LGBTQIA+, ethnic or migrant and former refugee learners. Tertiary education providers are well placed to work with learners, whānau and communities and promote wellbeing at an individual, group and organisational level."

Ngā Kōwhiringa me Te Tātaring | Options and analysis

6. The Submission by Te Pūkenga is based on a need to get the content of the New Code, and the guidelines for implementation, right. Currently, there are no guidelines that will help tertiary education providers put the New Code into practice – these will be drafted later in 2021. In the absence of guidelines, any submission on the New Code is abstract.
7. In the context of Te Pūkenga, as we progress with our Ākonga at the centre research and Operating Model, it makes sense that we work with the Ministry of Education (**MoE**) and share our learnings and engage as an active partner in the policy development of the New Code.
8. Currently, each subsidiary of Te Pūkenga has its own policies and procedures in relation to student matters. Rather than there being a review of 16 sets of policies and procedures to implement the New Code (and the yet to be drafted guidelines), we submit that a more efficient and pragmatic approach would be for Te Pūkenga and MoE (with consultation from the various Student Success and International teams across the Te Pūkenga network) to work together on “exemplar” policies and procedures. This could be shared for comment by all tertiary providers and their stakeholders.
9. The intention would be for the exemplar policies and procedures to be introduced by Te Pūkenga across the network on 1 January 2023, when all Te Pūkenga subsidiaries will be dissolved and their activity carried on directly by Te Pūkenga. This will ensure that not only are the outcomes clearly identified, but the processes to achieve the outcomes are robust and supported by those charged with implementing them.
10. Paragraph 8 and 9 above are not included in the draft Submission sent to Education New Zealand. We will update the Submission to include if Council approves this approach.

Te Pae Tawhiti | Tiriti Excellence Framework

11. Te Pae Tawhiti is a priority to Te Pūkenga. Supporting the drafting and implementation of the New Code in the manner proposed will assist with incorporating Te Pae Tawhiti into the New Code.

Pānga ki Ngā Ākonga/Kaitukumahi | Learner/Employer Impact

12. Please refer to the Submission

Ōritetanga | Equity Impact

13. Please refer to the Submission

Te Uiuinga Whānui | Engagement/consultation

14. Please refer to the Submission

Ngā tino raru ka heipu mai | Key risks

15. In its Discussion Document, Education New Zealand state that:

“using common purpose statements for both domestic tertiary and international learners will reduce provider costs in the long-term as the provider will not have to use different, but similar, code arrangements. If a provider needs to take account of two purpose statements, there may be increased costs for the provider. This change provides a simpler message about the focus of the code and the responsibilities of providers. There is a concern that this change would make providers totally responsible for learner wellbeing. However, the individual learner can make choices that impact on their wellbeing. Plus, others, including families, communities, and health professionals, have a role in supporting an individual’s wellbeing.”

16. The concern that we at Te Pūkenga have is that despite the statement in the last sentence, there is nothing in the New Code (in this current form) that clearly identifies the role of other parties in support of a learner’s wellbeing; primary responsibility does appear to rest with the provider.

Te tirohanga taha pūtea | Financial considerations

17. Adopting the proposal set out in paragraph 8 above would not only be the most efficient and pragmatic approach, it would significantly reduce the resource cost that would otherwise need to be expended across the network of Te Pūkenga.

Te Ahunga Ki Mua | Next steps

18. A draft of the Submission has been provided to NZQA in advance of the Council Meeting.

19. Subject to Council approval, and any feedback / comments from Council members, the Submission will be finalised and submitted to NZQA by close of business 2 June 2021.

Date:  June 2021

Email: CodeOfPastoralCare@education.govt.nz

Tēnā koutou

Submission on the Education (Pastoral Care Of Tertiary and International Students) Code of Practice 2021

1. Introduction to Te Pūkenga Submission

Te Pūkenga is a Crown Entity established on 1 April 2020 and now governed by the Education and Training Act 2020. Our Charter is embedded in statute¹ and requires governance, management and operations across the network of Te Pūkenga to: give effect to Te Tiriti o Waitangi; recognise that Māori are integral to regional social, environmental, and economic development; and commit to improving outcomes for Māori learners, whānau, hapū and iwi, communities and employers.

Te Pūkenga is currently carrying out the transformational work necessary to shift from a group structure to a national entity responsible for delivery of vocational education and training across the country, including functions of the previous Institutes of Technology and Polytechnics (now ITP subsidiaries) and the arranging training functions of Transitional Industry Training Organisations (TITOs). This shift is intended to be complete by 31 December 2022 (subject to Order in Council).

Te Pūkenga welcomes the opportunity to make a submission on the Education (Pastoral Care of Tertiary and International Students) Code of Practice 2021 (**the New Code**) and note that our submission has been prepared having regard to the following:

Te Pūkenga Vision	He akoranga whaihua – kia waihanga i te ao o āpōpō. Learning with purpose, creating our futures.
Te Pūkenga Purpose	Te Pūkenga provides excellent and quality education opportunities that support learners, employers and communities gain the skills, knowledge and capabilities Aotearoa needs now and for the future. Learners and their whānau are at the centre of all we do.
Te Pūkenga Values	Manaaki. Aroha. Tiaki. We reach out and welcome in. Mahi Tahi. Whanaungatanga. Tātai hono. Mahi tohungatanga. We learn and achieve together. Kia tupu, kia hua. Tū horomata. Tohungatanga. We strengthen and grow the whole person.

¹ Schedule 14 of the Education and Training Act 2020

2. Key Submission points

Timing and potential missed opportunity to collaborate with Te Pūkenga and Te Pūkenga subsidiaries in a more meaningful way

2.1. The discussion document describes the purpose of the New Code in the following terms:

“Learner wellbeing and safety in education is a shared responsibility that includes government, education providers, learners, whānau and the wider community. We need practical solutions that work well for learners, providers, and government.”

2.2. As a starting point, Te Pūkenga confirms that it agrees wholeheartedly with the stated purpose of the Code, which aligns with our vision, purpose of values.

2.3. However, our primary submission is that the timeframe for the introduction of the New Code presents challenges and further time is required for meaningful consultation. We consider that we should take this opportunity to create a New Code that fully caters for the needs of our subsidiaries and learners and to do this, we believe that further work is required.

2.4. In particular, we note that Te Pūkenga is in the process of developing a new operating model; this is a significant transformational project which is not being created *for* learners, it is being created *with* learners as a critical and vital part of the whole process.

2.5. Also, during the course of 2020, Te Pūkenga started the Ākonga/learner at the *centre* of its work journey. A research project was undertaken involving a small research team who travelled across Aotearoa to gain insights directly from Ākonga, and from those who support them. Te Pūkenga asked Ākonga, and those who support them, what they considered the enablers and the barriers to learner success to be at each stage of their journey. From this we gathered insights into how we can enhance learner success, and this is feeding into the development of our learner success programme. This is still work in progress but we strongly believe that the outcome of our research will assist the Ministry of Education in developing their policy in so far as it applies to all learners, but particularly Māori learners. At a high-level, the Code appears to respond to some of the insights from this research. We attach a copy for you at Appendix A as a resource to help guide and inform your policy development.

2.6. As the Minister is aware, the understanding that we will have of learners' needs and wants after completion of the above matters is unprecedented. Te Pūkenga is one of the core changes that the Minister has implemented to effect the Reform of Vocational Education (**RoVE**) and we are happy to share the fruit of the Minister's investment into Te Pūkenga with the wider Ministry. With this in mind, we would welcome the opportunity to assist and collaborate with the Ministry on this policy development in a more meaningful way before the New Code is introduced into law.

2.7. We acknowledge the proposal that the New Code be supported by clear implementation guidelines to help tertiary education providers (in consultation with their stakeholders) to put the New Code into practice. Although it is proposed that these guidelines will be produced in consultation with the sector after the New Code is issued, we respectfully submit that the development of the New Code itself should allow for a longer and deeper consultation period before the New Code is issued in the first place.

2.8. This will be advantageous for domestic students in the long term. We acknowledge that the Education (Pastoral Care of Domestic Tertiary Students) Interim Code (**Interim Code**) is due to expire at the end of 2021. However, this can be extended for a further 12



months to allow meaningful consultation and collaboration on the development of the New Code.

- 2.9. In the context of international students, the Ministry itself acknowledges (in the Tertiary learner wellbeing and safety Discussion Document) that the International Code is largely working well with many providers doing a good job meeting the core needs of their international students.
- 2.10. We consider there is a real opportunity to work together and get the content of the New Code, and the guidelines for implementation, right. Currently, there are no guidelines that will help tertiary education providers put the New Code into practice – these will be drafted later in 2021. In the context of Te Pūkenga, as we progress with our Ākonga at the centre research and Operating Model, it makes sense that we work with the Ministry and share our learnings and engage as an active partner in the policy development of the New Code.

Clarity around expectations of Providers

- 2.11. On a high level, we note that the New Code prescribes 31 outcomes (with 21 of those outcomes being applicable to tertiary providers). We recognise that:
 - (a) Part 4 and 5 largely replicate the Interim Code, but extend the outcomes to international learners;
 - (b) Part 6 largely replicates the Education (Pastoral Care of International Students) Code of Practice 2016 (the international code).

However, the outcomes and processes set out in Part 3 are very prescriptive. Albeit that the Discussion Document refers to creating an environment that supports learning and wellbeing as being a shared responsibility, the New Code refers to the outcomes "...sought from providers...".

- 2.12. In the context of outcome 1, for example, it is stated that provider wellbeing and safety practices are designed to respond effectively to the needs of learner communities with the intent and outcomes of these practices being shared with learners, whānau, staff, local communities and iwi. The scope is wide but the processes give little guidance about the learner's responsibility or those that support them. The need to consult at a high level practice must be balanced with the need to respect the individual rights of learners as the New Code does not override the responsibilities of education and accommodation providers under the Privacy Act or the Health Information Privacy Code. Broad statements such as those formulated in the New Code are not helpful for those seeking to implement and comply with the New Code.
- 2.13. Without firm guidance before the issue of the New Code, there is a risk that any perceived breaches of the New Code could lead to a large amount of investigation work, costs and distraction from delivery of quality education; this is not in the best interests of learners or New Zealand as a whole.
- 2.14. In the Discussion Document, it is stated that:

"using common purpose statements for both domestic tertiary and international learners will reduce provider costs in the long-term as the provider will not have to use different, but similar, code arrangements. If a provider needs to take account of two purpose statements, there may be increased costs for the provider. This change provides a simpler message about the focus of the code and the responsibilities of providers. There is a concern that this change would make providers totally responsible for learner



wellbeing. However, the individual learner can make choices that impact on their wellbeing. Plus, others, including families, communities, and health professionals, have a role in supporting an individual's wellbeing."

- 2.15. The concern that we at Te Pūkenga have is that despite the statement in the last sentence, there is nothing in the New Code (in this current form) that clearly identifies the role of other parties in support of a learner's wellbeing; primary responsibility does appear to rest with the provider.

Clarity around application to Industry Based Learning

- 2.16. It would appear that the New Code is intended to apply to learners engaged in industry based learning. Te Pūkenga has recently (with Ministerial Approval) incorporated Te Pūkenga Work Based Learning Limited (**WBL**); a special purpose company through which Te Pūkenga will acquire those Transitional Industry Training Organisations (**TITOs**) seeking to transfer their arranging training activities to Te Pūkenga. The activities of the TITOs will be held in this entity until such time as Te Pūkenga can assimilate the work based learning activity fully into its unified network of education delivery. All learners within WBL will be employed by industry employers and this is likely to remain the case until the Unified Funding System (another core part of RoVE) is implemented.
- 2.17. As WBL will be a "provider" within the context of the New Code, there needs to be clarity within the New Code itself (not guidelines) around the application of the New Code to learners employed by a third party. From a Te Pūkenga perspective, compliance with the New Code when such learners are enrolled in a block course will follow the standard practices in place across Te Pūkenga network. However, any changes to the tripartite agreements with employers (which will govern the position of learners when on the job) will require significant time, resource and cost to implement. This will need to be formulated with input from industry and those stakeholders who support industry based learning.

3. Specific comments

- 3.1. At Appendix B we list specific sections of the Code that we have identified as being difficult to implement in practice and propose minor amendments to.

4. General Comments

Code Part	Outcome	Comment
Part 3	Outcome 1: Organisational strategic goals and plans	<ul style="list-style-type: none"> In relation to the processes proposed, we note that most providers currently have a pastoral care policy usually in their Quality Management System (QMS), which are reviewed by NZQA as part of their EER. We understand that the New Code will now require them to have an organisational strategy behind that policy and procedure. This will require significant input from a governance level and so will is not an agile means of implementing this process. Providers will need to regularly review the strategic goals with stakeholders. Most former ITPs currently do regular reviews of their QMS policies once a year, and then



		<p>have a wider review every three years but it depends on their category status.</p> <ul style="list-style-type: none"> We note the New Code introduces peer-to-peer reviews by other ITPs. However, we query what the process will be come 1 January 2023 when all the ITPs are merged into Te Pūkenga.
Part 3	Outcome 2: Learner voice	<ul style="list-style-type: none"> Providers must have practices for engaging with learners to, amongst other things, 'participate equitably in decision-making processes... including how resources and space are used, content of learner rules or codes of conduct, course content and delivery, and the strategic management and governance of the provider'. The current practice for most ITPs is to engage with learners through student representatives and/or student associations; it is not clear what additional formal practices the New Code is requiring of providers.
Part 3,	Outcome 3: Dealing with complaints and Outcome 4: Supportive organisational structures	<ul style="list-style-type: none"> Providers must have procedures for learner complaints, coordinated information channels and staff training. This is not new - most ITPs have robust processes in place as it is a requirement of the International Code. However, the data to inform the self-evaluation of the quality of learning wellbeing and practices (clause 16(a)) and effectively emerging concerns (clause 16(c)) will be new to some ITPs. We welcome the staff training clause and believe it provides helpful guidance for providers.
Part 4	Outcome 5: Safe, inclusive and supportive physical and digital learning environments	<ul style="list-style-type: none"> Providers must have practices for 'recognising, reducing and responding effectively to discrimination, racism, bullying, harrassment, and abuse'. Most ITPs have this in their student support policies in their QMS. The New Code appears to be prescriptive of what needs to be covered off in the learner wellbeing and safety plan re physical and digital learning environments.

We thank you in advance for considering our submission.

Ngā manaakitanga, nā



Stephen Town Strong
Chief Executive, Te Pūkenga

Tania Winslade
**Deputy Chief Executive, Learner
Journey & Experience, Te Pūkenga**

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Appendix B - Specific amendments proposed

1. Section 4(1) notes that the scope of the Code is both domestic and international students alike. However, section 4(2)(a) then refers to activities for domestic tertiary students only. We query whether section 4(2)(a) contradicts section 4(1). Should 4(2)(a) read "This code, as it relates to tertiary providers, applies to – the activities provided or arranged by a provider for domestic tertiary students and international students...".
2. Section 5, Definitions, defines designated caregiver as someone designated in writing to be caregiver and accommodation provider for a student under 18. Should this be "and/or accommodation provider"? noting in some cases the designated caregiver may not also be the accommodation provider
3. Section 20 refers to warm and inviting spaces that allow students to welcome their friends, families and whanau. It is suggested that 20(c) could read: "providing learners with warm and inviting spaces where culture and identity is uplifted and valued to connect, build relationships and to support each other".
4. Section 31(f)(iii) requires providers to ensure student accommodation has practices for – having clear, reasonable, and accessible house rules and guidelines that promote and encourage ...learning and personal growth. It is suggested that house rules are a document designed to ensure students know their rights and understand their responsibilities while living in student accommodation, and the consequences for breaching those responsibilities. In addition to this, the house rules provide assurance to all other students living in the student accommodation that poor behaviour by a student in or around that accommodation will not be tolerated, will be taken seriously, and will be actioned appropriately. In this regard, it is submitted that house rules are not the right place to promote and encourage learning and personal growth. It is further submitted that the requirement for providers to promote and encourage learning and personal growth has already been covered under Part 3, specifically, sections 10 and 11 where providers are required to uphold learners mana and autonomy. Accordingly, it is submitted that (iii) be deleted in section 31(f).
5. Section 39(c) refers to student accommodation that responds to the needs of a learner experiencing difficulties. It is suggested that (c) could perhaps say: "includes support that allows students to express their concerns including where they might be experiencing learning difficulties"



Pūrongo Kaunihera a Te Pūkenga

Council Report

1 June 2021

Agenda item number	7
Provided by	Angela Beaton, DCE Delivery and Academic
Title	Te Poari Akoranga Report
For	Noting

Te Taunaki | Recommendation(s)

It is recommended that Council:

a.	receive the academic report from Te Poari Akoranga meeting held at BCITO in Wellington on 12 May 2021 (open minutes attached).
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Te Tāhuhu Kōrero | Background

- Revised Te Poari Akoranga Tikanga Whakahaere tabled and endorsed by Te Poari Akoranga.
- Te Poari Akoranga provided initial feedback regarding the draft Te Pūkenga Academic Regulations and endorsed the draft Academic Regulations for consultation.
- Project initiation documentation for the Ako, Product Development for Excellence, and Quality workstream progress noted.
- Approved requests for exemption of APER reporting requirements to NZQA noted.
- Ondene Van Dulm, EIT, presented to Poari Akoranga on the Work Integrated Learning project undertaken at EIT as step toward optimising EIT students' opportunities to "learn with purpose", as well as optimising graduates' work-readiness.
- Te Poari Akoranga recommended that the Ohu Whakahaere: Academic Quality be established first and the local academic committee mahi shifted across, and then the Rangahau Māori, Research and Postgraduate and Approvals committees. The sub-working group clarifying the role of existing local academic committees (Komiti akoranga-a-rohe) will also complete a review and develop the draft Terms of Reference and timelines for the establishment of Ohu Whakahaere.
- Update provided on Te Pae Tawhiti subsidiary reports and the Operating Model mahi.
- Eve McMahon and Frannie Aston, NZQA, provided Te Poari Akoranga with an overview of the three NZQA Simplifying New Zealand Qualifications and Other Credentials consultation proposals.

Te Poari Akoranga MINUTES – Open

12 May 2021 from 10.10am – 10.20am, BCITO Wellington

WELCOME AND ATTENDANCE

Karakia timatanga

Chair welcomed everyone to the meeting.

Whanaungatanga

Present

Dr Angela Beaton (Co-Chair), Greg Durkin, Lorna Gillespie, Jeanette Grace, Kieran Hewitson, Nita Hutchinson, Sue Smart, Natalie Waran, Neil Carroll.

In Attendance

Kelly Hynes (Minute taker).

Observer

Chris Williams, Wintec- via Zoom.

Apologies

Oonagh McGirr

Glynnis Brook

Deborah Young

1. Open Minutes of the Previous Meeting

Scheduled Meeting

Scheduled Meeting – 14 April 2021

Resolution

Moved by Greg Durkin, seconded by Lorna Gillespie

Te Poari Akoranga resolved that the minutes of Te Poari Akoranga meeting held on 14 April 2021 were approved as a true and accurate record.

2. April Academic Report to Te Pūkenga May Council Meeting

- Council received the April Te Poari Akoranga report. The key updates for Council from the April Te Poari Akoranga meeting were noted.
- Council received a transitional paper in relation to the move to unifying programmes. A business case is now being prepared.

3. Revised Draft Te Poari Akoranga Tikanga Whakahaere

Revised Draft Te Poari Akoranga Tikanga Whakahaere tabled.

Discussion included:



- Request for all agenda papers to include a cover memo, and for this to be noted in the Tikanga Whakahaere.
- Clarification between open and closed agenda was provided.
- Endorsement to finalise Te Poari Akoranga Tikanga Whakahaere.

Resolution

Moved by Nita Hutchinson, seconded by Sue Smart

Te Poari Akoranga resolved to endorse Te Poari Akoranga Tikanga Whakahaere.

Closed sessions

Moved by Jeanette Grace, seconded by Kieran Hewitson

Te Poari Akoranga resolved to move to the closed agenda.

IT WAS RESOLVED THAT TO THE EXTENT THAT THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 (LGOIMA) MAY APPLY, THE PUBLIC BE EXCLUDED FROM THE CLOSED SESSION OF THE MEETING IN ACCORDANCE WITH SECTION 48(1) OF LGOIMA AND THE PARTICULAR INTERESTS PROTECTED BY SECTION 9 OF THE OFFICIAL INFORMATION ACT 1982 (SPECIFICALLY, TO PROTECT THE PRIVACY OF NATURAL PERSONS AND TO PROTECT INFORMATION WHERE THE MAKING AVAILABLE OF SUCH INFORMATION WOULD BE LIKELY UNREASONABLY TO PREJUDICE THE COMMERCIAL POSITION OF TE PŪKENGA, WHICH WOULD BE PREJUDICED BY THE HOLDING OF THE RELEVANT PARTS OF THE PROCEEDINGS OF THE MEETING IN PUBLIC.

